IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 13627 of 2005

Between:

Uppe Subba Ro, S/o.Lakshmaiah, R/o.Door No.3-19-5A, Puthineedivari Street, Subbarao Pet, Tadepalligudem, W.G.District.

..... PETITIONER

AND

1 The Commissioner, Tadepalligudem Municipality, Tadepalligudem,

West Godavari District.
2 The Commissioner & Director, Municipal Administration, M.C.H.Complex,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, writ, direction or order, especially one in the nature of writ of mandamus declaring the action of the 1st respondent in issuing a demand notice claiming tax for the house bearing Door No.3-19-5A belonged to petitioner, under Assessment Number 1080014516 is Contrary to G.O.Ms.No.83 M.A., dt.15-3-1997 and consequently, direct the 1st respondent to implement the said g.O.Ms.No.83, M.A. dt.15-3-1997 and pass such other order or orders.

Counsel for the Petitioner : MR.S.SUBBA REDDY

Counsel for the Respondents : MR.S.NAGESWARA REDDY

The Court made the following :

ORDER : (Per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned Counsel for the parties.

The case of the petitioner is that he is an Ex-Serviceman and is exempt from payment of house tax in accordance with G.O.Ms.No. 83, dated 15.3.1997, but in spite of that, demand is being raised for payment of house tax. The learned Counsel for respondents submits that G.O.Ms.No.83 does not give absolute exemption to Ex-Servicemen. It is subject to conditions and the petitioner has to satisfy those conditions. The petitioner has already filed a representation before the 1st respondent, but it appears that the 1st respondent has refused to consider the representation, before the tax is paid. In this view of the matter, we direct the 1st respondent to decide the representation of the petitioner without insisting on payment of tax before decision in the representation.

Writ petition is accordingly disposed of. No order as to costs.

SD/-MOHD. IBRAHIM.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Tadepalligudem Municipality, Tadepalligudem,

West Godavari District.

2 The Commissioner & Director, Municipal Administration, M.C.H.Complex,

Hyderabad.

3 2 CD copies

4. One cc to Mr.Subba Reddy, Advocate (OPUC)

aps.

DATED:29/6/2005

ORDER

WP.NO.13627 OF 2005

DISPOSING THE WP

WITHOUT COSTS.